

Town of



AMHERST

Massachusetts

TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS

(413) 259-3040

(413) 259-2410 [Fax]

zoning@amherstma.gov

AGENDA
ZONING BOARD OF APPEALS
Public Hearing Continuation

The Amherst Zoning Board of Appeals will meet on ***Tuesday, January 26, 2017***, at **6:00 P.M. in the Town Room, Town Hall**, to conduct the following business:

PUBLIC HEARING:

(Continuation from January 24, 2017)

ZBA FY2017-00007 – North Square at the Mill District, Beacon Communities LLC, Request a Comprehensive Permit under M.G.L. Chapter 40B, to create a mixed-use, mixed-income development consisting of two new buildings containing 130 residential units, including 20% (26) affordable units, 22,000 square feet of non-residential space, approximately 299 parking spaces, and including site improvements, on approximately 5.3 acre leased site on a 12 acre property at 134 and 92 Montague Road, North Amherst (Map 5A, Parcel 42 and 139; Commercial (Com) and Residential Neighborhood (R-N) Zoning).

MEETING TOPICS

- **Feedback and updates from applicant and staff**
- **Miscellaneous review and follow up of previous concerns**
- **Conditions and waiver review**

Plans and documents are available for viewing in the Planning Department, Amherst Town Hall, 4 Boltwood Avenue, Amherst, MA, and on the Town website at <http://ma-amherst3.civicplus.com/2268/North-Square-at-the-Mill-District>

MARK PARENT, CHAIR
AMHERST ZONING BOARD OF APPEALS

Town of Amherst
Zoning Board of Appeals

PROJECT APPLICATION REPORT

Project Name: North Square at the Mill District

Applicant: BC North Square LLC, limited dividend affiliate of Beacon Communities Development, LLC (Project Sponsor)
Two Center Plaza, Suite 700
Boston, MA 02108

Representative: Darcy Jameson

Project Address: 134 Montague Road and 92 Montague Road

Nature of request: Comprehensive Permit under M.G.L. Chapter 40B, to create a mixed-use, mixed income development consisting of two new buildings containing 130 residential units, including 20% (26) affordable units, 22,000 square feet of non-residential space, 304 parking spaces, and including site improvements, on an approximate 5.3 acre leased site on a 12 acre property

Map/Parcel: 5A-42 and 5A-139

Zoning: Commercial (COM) and Residential Neighborhood (R-N)

Legal notice: Published on Friday, November 11, 2016, and Wednesday, November 23, 2016, in the Daily Hampshire Gazette and sent to abutters on November 10, 2016. The public hearing has been continued and each meeting has been posted with 48 hours of the scheduled meeting time.

Board members: Mark Parent, Yuri Friman, Thomas Simpson

Staff members: Nathaniel Malloy, Senior Planner, Christine Brestrup, Planning Director, Brandon Toponce, Senior Planner, Rob Morra, Building Commissioner

INTRODUCTION

The Board has reviewed the Beacon proposal since December 1, 2016. Subsequent meetings have included December 8, January 5, January 24 and January 26th. Each meeting consisted of presentations by the applicant, questions by the Board and clarity on the scope of the project. In addition, these meetings have included public hearings, allowing those interested in sharing concerns about the project. Detail has been kept up-to-date on the Town website concerning, the applicants submittals, staff review of the project, public comments and third party reviews.

This report was given to the board on December 1, 2016. It is now included as a reminder of the initial review in accordance to the zoning bylaw. The ZBA schedule has been removed and all new detail or changes have been designated in red.

BACKGROUND

The Beacon Communities Group proposes to develop the property located at 134 and 92 Montague Road in North Amherst. The desire is to create a mixed-use community that provides 130 rental apartments for mixed-income. The project will also include approximately 22,000 square feet of non-residential space. The applicant believes there is a need for this type of development in North Amherst and stated that by providing new housing opportunities and economic development opportunities, it will create a vibrant village center in North Amherst. The project will have a total of 26 affordable housing units for households making less than 50% of the area medium household income (AMI) and three apartments will be set aside for households making less than 30% of the AMI. Beacon is proposing this project under a 40B Comprehensive permit application, which requires the Zoning Board of Appeals to review and make a determination.

Defining Chapter 40B, Comprehensive Permit

The Massachusetts General Law (M.G.L.) 40B process was enacted to help communities provide affordable housing to low and moderate income households. This law is meant to encourage developers to provide this housing by reducing obstacles that might be created by local Zoning Bylaws. This process allows the ZBA to approve a housing development with waivers of specific requirements when a minimum of 20-25% of the units are proposed to have affordable restrictions for the long term. The Goal of affordable housing for each community within the Commonwealth is 10% of year round housing. If a community does not meet this percentage it is obligated to review a project under the 40B criteria if a Comprehensive Permit application is submitted. However, if a community satisfies the 10% threshold, it can deny the Comprehensive Permit application, and instead review the project under the local Zoning Bylaw requirements only.

The Town of Amherst currently has around 11% of the housing stock dedicated to affordable housing. Affordable housing is affordable to those who make 80% or less than the medium income of a community. According to the US Department of Housing and Urban Development (HUD), 80% of the area medium income for Amherst is \$46,000 for an individual and 65,700 for a family of four.

An applicant who desires to receive a 40B, Comprehensive Permit, must first receive approval from the Subsidizing Agency and provide a Project Eligibility letter to the municipality. The Developer may also request a list of waivers from specific requirements. Both the developer, in the application process and the reviewing body, must follow all applicable guidelines as defined in the Code of Massachusetts Regulations (760 CMR 56). Beacon has already received its Project Eligibility letter and provided the document to Town staff. A copy of this letter may be found in the attachments of this report.

PROJECT SCOPE**Existing conditions**

The subject property is 5.3 acres of a larger 12 acre parcel near Montague Road and Cowls road. The property was once used by WD Cowls Building supply, for a lumber mill and a storage area for wood and other building material. Although the mill has not been used for some time, many of the buildings still remain, including the lumber mill and storage barn. The lot, which is industrial in nature, appears to be underutilized for its surrounding location.

Proposed Development

The following is a description of the proposed development by the applicant from an introductory letter dated October 25, 2016:

Zoning Board of Appeals

January 26, 2017

The Beacon team drew its inspiration from the Town of Amherst's Master Plan (2010), Housing Production Plan (2013), Market Study (2015), and from conversation with Town leadership and planning staff, Town boards, and over 25 meetings with community business leaders and residents to gain a deeper understanding of community needs and interests. North Square is another substantial step in continuing to address the Town's housing community needs and generate long-term economic development and community benefits including:

- *New Housing: 130 new apartments, including 1, 2 and 3 bedrooms with parking and modern amenities.*
- *Affordable Housing: Of the 130 apartments, 26 affordable apartments for one of Amherst's most underserved populations where the housing affordability gap is the greatest, households earning under 50% of AMI. (This would be \$41,600 for a family of 4. Three apartments will be further set aside for households earning under 30% of AMI, or \$24,950 for a family of 4).*
- *Residential Tax Revenue and CPA Funds: North Square will reuse an inactive industrial site that is currently vacant and generate valuable tax monies for other Amherst public priorities.*
- *Economic Development: The new retail space will offer different economic development opportunities in North Amherst, help keep spending local, and expand the commercial tax base.*
- *Sustainable community Development: North Square will be a well-designed, smoke free, sustainable, and transit-oriented community.*

See the attachments for a narrative of the project along with drawings of how the proposed site could be developed, and site plans of the proposed layout. During the review process the site and scope of the project will be reviewed in full detail by the Zoning Board of Appeals.

WAIVER REQUESTS

The applicant has requested several waivers pertaining to applicable Bylaws and Regulations. However, through the review process Beacon has reduced these waivers and have explained them as clearly as possible. See the attachment in the report that outlines these waivers and associated conditions.

ZONING BYLAW REVIEW

Allowed Uses

According to Section 3.325 a mixed use development with more than 10 dwelling units above the first floor is allowed within the Commercial (COM) Zone, with a Special Permit. Section 1.3 in the Zoning Board of Appeals Rules and Regulations state that a Comprehensive Permit must be reviewed by the Board in accordance to MGL Chapter 40B. Along with the overall use, the applicant has stated they desire to have a restaurant and other commercial uses.

- **Issue to Consider:** Each use that is requested will need to be reviewed in light of the standards found in Section 3.3, Use Classification and Standards. The applicant has requested a waiver from Site Plan Review for the individual use and to only require future review when a change reflects an exterior modification. Yet, there may be some uses that may have more impact to the community, and the Board may still

want to review these specifically.

Dimensional Regulations

Dimensional Regulation for the Commercial Zone Table 3, Zoning Bylaw				
Standard	Required	Provided	Comply	Waiver Requested
Minimum Lot Area	20,000 square feet	5.3 acres (leased)	Yes	
Additional Lot Area/family	4,000	1,645.95 square feet a unit	No	Yes
Minimum Frontage	125 feet	600 feet	Yes	No
Front Setback	20 feet	3 feet	No	Yes
Rear Setback	25	0-15 feet	No	Yes
Side Setback	25	0-15 feet	No	Yes
Maximum Building Coverage	35%	24.1%	Yes	No
Maximum Lot Coverage	70%	81.3%	No	Yes
Maximum Floors	3	4	No	Yes
Maximum Height	35	Buildings: A1 – 49.07 feet A2 – 60.57 feet B – 42.6 feet	No	Yes

Architecture

The architects for the proposed project have taken their inspiration for the buildings from traditional New England village architecture. In order to accomplish this style they have looked at surrounding buildings and added mill elements to be consistent with the historic nature of the area. However, the developer wants the project to be unique and modern and has included styles more relevant for today. The materials being used include, brick, cement fiber board, glass, aluminum and vinyl windows. The muted paint colors have been selected from a historic palette that include, white, burgundy, gold and tan. The architect has also chosen to give the buildings more of a village presence by stepping the buildings horizontally and vertically to create the appearance of several buildings. These sections are architecturally defined with differing material, paint color, height and flat or gabled roofs.

Parking and Access

Parking Regulation for the Commercial Zone Section 7.0, Zoning Bylaw		
Use Type	Standard	Required
Residential	2 spaces per dwelling unit	130 units = 260
Public Assembly (restaurant, entertainment, theaters, etc.)	<ul style="list-style-type: none"> ▪ 1 space per 4 seats, ▪ 1 space per 8 lineal feet of bench space ▪ 1 space per 80 square feet, when no seats or benches are available 	Undefined
Retail, office or similar	▪ 3.3 Spaces per 1,000 square feet for the first 10,000 square feet of Gross floor area (GFA); plus	22,000 general retail= 54,5

	<ul style="list-style-type: none"> 2.5 spaces per 1,000 square feet for GFA between 10,001 – 12,500 square feet; plus 2.0 spaces per 1,000 square feet for GFA over 12,500 square feet 	
All other permitted uses (veterinary, medical uses under 3.360, all other commercial uses etc.)	Adequate parking spaces to accommodate under normal conditions the cars of occupants, employees, members, customers, clients, and visitors to the premises.	Undefined
Total Required		314.5
Total Provided		304 (93 commercial and 211 residential)
Waiver Requested		Yes

Under Section 7.9 of the Zoning Bylaw waivers or modified regulations may be granted by the Board under the Special Permit Process, if the following conditions are met:

- Peak parking needs generated by on-site uses occur at different times
- A significant number of employees, tenants patrons, or other parking users of the site are common to and shared by more than one use on the site.
- A parking management plan approved by the Permit Granting Board or Special Permit Granting Authority is implemented with occupancy of the building or buildings.

The applicant has suggested that with the mixed use proposal that adequate parking has been addressed. They believe that additional parking would be incredibly difficult to achieve based on the space available. The entire commercial portion of the property has shared parking, including Atkins Market. A Site Plan Review application has been submitted for Atkins Market to reduce the original number of parking spaces from 50 to 29. The applicant has also suggested that they are promoting alternative transportation by being directly across from a main public transit stop (PVRTA Bus System). They will allow the residence to utilize the commercial parking during the hours of 10:00 p.m. and 7:00 a.m.

One concern that staff expressed was that of adequate onsite parking. In the December 1, 2016, staff report it stated:

The concern remains about adequate onsite parking. Although peak parking needs may differ during the day, night and weekend, parking lots may be congested for the restaurant and retail parking areas. Holidays, or individual family or friend gatherings at the apartments will also put a strain on the residential parking area, before 10:00 p.m. or after 7:00 a.m. Staff would request that more detail be provided in the form of a parking management plan, in order for the Board to have evidence that more stalls will not be required.

Staff now believes that with the additional parking spaces provided, and the review by the applicant's engineer, adequate parking will be found.

Traffic

A comprehensive traffic Study has been provided by the applicant which was conducted by Vanasse & Associates, Inc. The group has indicated the following summary from their report:

Vanasse & Associates, Inc. (VAI) has conducted a Transportation Impact Assessment (TIA) in order to determine the potential impacts on the transportation infrastructure associated with the proposed construction of 130 apartment units, 6,000 sf of restaurant/small café – food service, and 16,000 sf of retail to be located on Cowls Road in Amherst, Massachusetts (hereafter referred to as the "Project"). This assessment was prepared in consultation with the Town of Amherst and the Massachusetts Department of Transportation (MassDOT); was performed in accordance with MassDOT's *Transportation Impact Assessment (TIA) Guidelines*; and was conducted pursuant to the standards of the Traffic Engineering and Transportation Planning professions for the preparation of such reports. Based on this assessment, we have concluded the following with respect to the Project:

1. The project is expected to generate 2,384 new vehicle trips on an average weekday (1,192 entering and 1,192 exiting), with approximately 148 new vehicle trips (59 entering and 89 exiting) expected during the weekday morning peak hour and 208 new vehicle trips (119 entering and 89 exiting) during the weekday evening peak hour. During an average Saturday, the project is expected to generate 2,454 new vehicle trips (1,227 entering and 1,227 exiting), with approximately 174 new vehicle trips (91 entering and 83 exiting) during the Saturday midday peak hour.
2. The Project will not have a significant impact (increase) on motorist delays or vehicle queuing along the area roadways, including but not limited to Cowls Road, Sunderland Road, Montague Road (Route 63) and North Pleasant Street.
3. No apparent safety deficiencies are expected at the study intersections.
4. The project will be primarily served by two full-access driveways on Cowls Road, with the western drive providing access for the residential use and the central drive providing access for both the commercial and residential uses. In addition, there is a site drive at Atkins Farm (the east drive), which is not formerly part of the project.

With the completion of the traffic study, it appears the development does not make an enormous impact as to require major alterations to the adjacent roads. In addition, other infrastructure such as traffic signals are also not required. The traffic engineer did however suggest the following recommendations:

- The Cowls Road, proposed West Side Drive, should be a minimum of 24 – feet in width and accommodate two-way traffic.
- Vehicles exiting the project site should be placed under STOP – sign control with a marked STOP-line provided.
- All signs and pavement markings to be installed within the project site shall conform to the applicable standards of the Manual on Uniform Traffic Control Devices (MUTCD).
- Wheelchair ramps should be provided for crossing the project site driveways where a sidewalk is present.
- Signs and landscaping to be installed along the project site driveways should be designed and maintained so as not to restrict lines of sight.

The Third Party review also indicated that the project would not have serious impacts to the area. However, suggestions were given for the Town to address light timing, lane length and other issues not necessarily due to the proposed project.

Lighting

According to Section 7.105 of the Zoning Bylaw, lighting must be provided within a parking lot. This lighting must be downcast and shielded so as to not shine onto adjacent properties or streets. In addition, all other lighting must not be on outside of normal hours of use, except for security lighting which should be activated with sensors or another similar device.

Beacon has chosen a style of lighting unique but complimentary to the Atkins Market. The pole lights will be 14.25 feet tall and found in strategic locations around the parking area for safety. The plans identify the light atop the black light pole as being an LED, dark sky compliant, cutoff fixture.

The applicant has provided a photometric plan showing the site as having a low light impact. In addition a lighting plan has been provided indicating the location and style of all lighting fixtures. The building will have typical wall mounted box style lighting, while the parking lot lighting will be standard poles with a modern razor style head. Finally in the pedestrian pathways, lighting will consist of bollard lighting that faces downward.

Landscaping

A comprehensive landscaping plan has been provided indicating the location and type of plantings throughout the leased area. Special attention has been paid to create a visually appealing area for those living within the community and for those visiting. Over 200 trees will be planted within the project of differing varieties, along with an abundance of shrubs, grasses, perennials and ground covers. The desire of the applicant is to enhance the landscaping with galvanized metal planters and artistic designs in order to add verity and enjoyment of patrons and residents.

According to the Landscaping Standards found in Section 7.11 of the Zoning Bylaw, parking lots with 25 or more spaces must have landscaping islands at least four feet in width with raised curbs. The purpose for this is to define parking lot entrances, parking aisles, internal drives, separating rows of parking. In addition, screening from the parking lot to adjacent streets and properties must also be provided. This screening must be no less than three feet high, yet must also be placed as to not be an obstruction for vehicular and pedestrian visual safety. The applicant has provided landscaping within the parking lot areas where they believe planters are visually needed. They have also provided sufficient plantings throughout the parking area.

The landscaping has been found to meet the visual obstruction requirements in 7.112 of the Zoning Bylaw. In reviewing the plans, it appears a few of the islands are less than four feet wide. In addition, there has been some concern that the residential parking does not have adequate parking islands, especially within the west bank of parking. The applicant is requesting a waiver from Section 7.10 and to allow the development as it is shown on the site plan. The applicant has provided much detail and explanation to why the waivers for the parking lot landscaping would be appropriate. Staff believes the requests and what they have shown is a balance between landscaping and the number of parking stalls.

Site Amenities

The developer believes the following may be considered as amenities:

- Village green
- Multi-use plaza
- Play area (this has been increased from its original proposal as a response to public

comment)

- Dog run
- Courtyards
- Outdoor benches
- Bike racks
- Abundant landscaping
- Walkability
- Residential amenities: fitness center, Wi-Fi café and clubroom
- Retail and restaurant options
- Easy access to mass transit
- Sustainability in design and use

Other amenities that have been mentioned by the applicant are welcoming packets to new home owners to promote mass transit and recycling efforts.

Pedestrian circulation has also been addressed and modified from the original proposal. A walkway has been added from Montague Road to the project, through the Cowl's property. A cross walk has also been identified as being located across Cows Road to the Troll Barn public transit stop. All pathways connect and are found to meet all accessibility concerns.

Signage

The project will have one entry sign at the main entrance adjacent to Cows Road. The sign will be located 35 feet from the main entrance and three feet from the street. The sign background will be 8 feet in height with a width of 4.5 feet. The actual sign would be located in the center and be approximately 16 square feet. According to Section 8.231, the applicant is allowed a 12 foot high sign along the front entrance with a total allowable area of 80 square feet. Therefore, it appears the monument sign will meet the requirements found in the Zoning Bylaw.

The site plan also identifies other signage that will be found within the development which identify the leasing office and resident parking. These sign frames will be 3.5 feet high and approximately 2.6 feet wide, with the sign itself being 4 square feet. Both the monument sign and the identification signage as stated will be designed to have an industrial mill appearance, as to keep with the theme of the development.

Signage for the commercial businesses will be placed on the building walls, just above the first floor. In Section 8.20, the Bylaw allows 10% of the wall to be covered in signage. Although the building elevations show the general location of wall signs, no detail on wall coverage size is given. Each sign will be looked at on an individual case by case basis.

Engineering: drainage, utilities, other public improvements

Plans have been provided indicating the engineering aspects of the development. The site will be serviced by Town sewer and water that is already stubbed to the area. The water will be looped from Cows Road through the project and then connect to Montague Road via the emergency fire lane. Propane will also be used on site with the tanks being found underground in two locations, adjacent to Building A and Building B. These tanks will be properly posted and protected to meet all safety standards. All proper easements for services will be placed on site and detail of these easements should be identified on the site plan.

The fire department has been speaking with the developer on fire safety for the facility. All buildings will be fire sprinkled and fire hydrants are located throughout the project. A fire lane and emergency access lane have been located on the south east corner of the property, connecting to Montague Road. This lane is not for access by other vehicles. It is proposed be gated and locked with only Emergency personal having access. This access will be kept clear of all obstructions, including debris and snow.

The development will need to meet all standards pertaining to driveway width and access from Cows Road as per the Town Engineer. Parking lot isles and parking stalls will also be required to meet all engineering standards. All other improvements or repairs to the driveway or sidewalk will need to be reviewed by the Town Engineer and completed by the developer.

Storm water will be handled on site with the use of rain gardens and underground storm water detention. The site will have seven of the underground detention basins which will collect storm water and then slowly allow the water to percolate into the ground. The developers engineer has stated the underground detention will have adequate capacity to cover the entire site.

The Fire Department, Town Engineer and Public Works Director have given support for this project and found the applicants engineer to have covered applicable requirements adequately. They will continue to work with the applicant during the construction process to ensure that the approved plans are followed. The applicant has also requested waivers to engineering, yet it appears to mainly be logistical matters, such as how and when items are reviewed, and not waiving of engineering regulations. Environmental issues have also be addressed by the applicant, including soils testing that did not find any environmental concerns on the property.

Management Plan

A revised Management Plan has been submitted and was found to cover many of the concerns of the ZBA and the public. A copy of this revised plan can be found at the end of this report.

Snow removal of all sidewalks and driveways will be completed by the Beacon Management Group. Snow storage areas have been designed into the landscaped areas and snow banks will be maintained as to not pose a hazard for vehicles and pedestrians. The emergency fire access lane will be a top priority after each storm to ensure it is clear. Furthermore, the management group will clear the snow within 24 hours of the storm. If the accumulation is significant and cannot be addressed on site the management group will truck snow to an off-site location.

OTHER REQUIRED BOARD REVIEWS

Through this process, other boards within the community have expressed their concerns and support of this project. As the reviews have been completed, the Board has been given copies of theses reviews. These have included, the Planning Board, the Select Board, Historic Commission, the Disability Access Advisory Committee and the Housing and Sheltering Committee. For the most part all comments have been positive and in support of this project. Any concerns have been quickly addressed by Beacon and if possible implemented or explained the reason it could not be implemented.

SECTION 10.38 CRITERIA

This is not a special permit and therefore the Board does not review section 10.38 to determine if the proposed project may be approved or not. However, it may be used as a guideline of items to look for and to be aware of. It is only placed in the report as a reminder.

The following are the specific criteria as typically reviewed by the Board for the approval of a Special Permit and will act as a helpful guide in the Comprehensive Permit Process:

10.380 & 10.381 - *The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.*

10.382, 10.383 & 10.385 & 10.387 - *The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The proposal provides convenient and safe vehicular pedestrian movement within the site, and in relation to adjacent streets, property or improvements.*

10.384 - *Adequate and appropriate facilities would be provided for the proper operation of the proposed use.*

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.*

10.387 - *The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.*

10.388 - *The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.*

10.389 - *The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.*

10.390 - *The proposal ensures protection from flood hazards as stated in Section 3.228, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow; storage of chemicals and other hazardous substances.*

10.391 - *The proposal protects, to the extent feasible, unique or important natural, historic or scenic features.*

10.392 - *The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between*

buildings associated with uses under this section and the nearest residential property boundaries. Where natural, undisturbed vegetation already exists on-site prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.

10.393 - *The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions. Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.*

10.394 - *The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands.*

10.395 - *The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. Within the B-L, B-VC, B-N, COM, OP, IJ and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Special Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.*

10.396 - *The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.*

10.397 - *The proposal provides adequate recreational facilities, open space and amenities for the proposed use.*

10.398 - *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.*

CONCLUSION

In conclusion staff believes the applicant has clearly shown how the property may be developed and how the major issues pertaining to the site and within the Zoning Bylaw have been addressed. The Board will need to address all attached waivers and conditions prior to making a final determination. A decision will then be created which include a summary of each meeting, the waivers, conditions and a general staff report.

Malloy, Nathaniel

From: Malloy, Nathaniel
Sent: Thursday, January 26, 2017 3:00 PM
To: 'marklparent@yahoo.com'; toponceb@amherstma.gov; Morra, Robert; Brestrup, Christine
Subject: Massachusetts Historical Commission review of North Square
Attachments: MACRIS Map-North Square.pdf

Hi Mark,

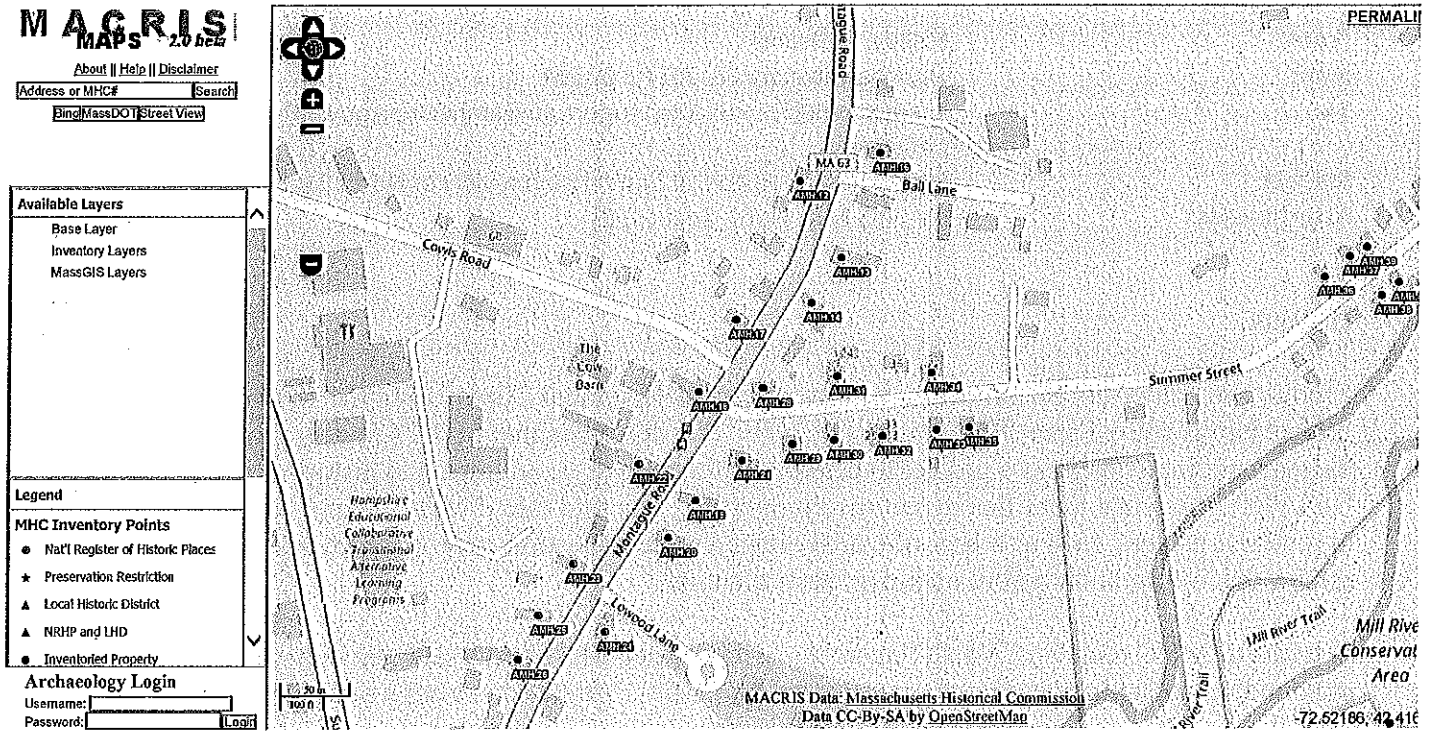
I spoke with Elizabeth Sherva from the Massachusetts Historical Commission (MHC) who reviewed Beacon's Project Notification Form (PNF) in the fall 2016. She described that MHC's review process involves looking at the surrounding context of a project to determine if there will be an impact to historical resources, including a 'MACRIS' map that identifies inventoried properties. She said that if MHC did not have sufficient information to review a project, such as a lack of clarity about a project location or proposed new development, they would ask for this information before making a determination.

In terms of MHC review of North Square the Mill District, Ms. Sherva said that they were aware of the surrounding context, including the inventoried properties. Attached is a copy of a 'MACRIS' map showing the project area. She explained that MHC determined there would be no impact—such as visual, shadows, wind—by the development to nearby historic resources on the Cows property on Montague Road.

Thank you.

Sincerely,

Nathaniel Malloy
Senior Planner
Town of Amherst
413.259.3040
413.259.2410 [fax]



Management Plan

North Square at the Mill District Management Plan for Residential and Commercial DRAFT as of January 24, 2017

North Square at The Mill District will be a vibrant new town center including 130 apartments and commercial space. The purpose of this draft Management Plan is to outline how the community will be managed, operated and maintained. This plan refers to the Residential Owner (a Beacon affiliated entity and property management group, Beacon Residential Management) and the Commercial Owner (W.D. Cows or affiliated entity).

The Residential Owner will own and manage the residential apartments and common areas. The Commercial Owner will own and manage the commercial condominium. In the event that ownership or management changes, future owners would comply with this plan pursuant to the Comprehensive Permit approval for this project (the "Approval"). Pursuant to and in accordance with the Approval, the Residential Owner is required to submit any significant changes to the Zoning Board for approval. The Commercial Owner and future occupants of the commercial spaces at North Square are required to submit a "Use-Specific Management Plan" to the Zoning Board of Appeals for review and approval at a public hearing prior to each individual business use. References herein to "Approved Plans" refers to the plans referenced in the Comprehensive Permit and or as approved as part of the Building Permit.

PROPERTY SUMMARY

The Residential Owner will manage the residential apartments and maintain the buildings, common areas, parking, landscaping and snow removal. The Commercial condominium will be the responsibility of the Commercial Owner and managed in accordance with The Comprehensive Permit, this Management Plan and the Use-Specific Management Plans.

Community Overview

- **130 new apartment units housing:** 59 one-bedroom, 58 two-bedroom, 13 three-bedroom units
- **Resident Amenity space:** Fitness center, club room, patio
- **Residential Management and Leasing office – On-site** management and leasing office.
- **22,000 SF commercial space** – anticipated to include local retailers, small restaurant and café, fitness, etc.

RESIDENTIAL APARTMENT MARKETING AND LEASING

The Residential Owner will oversee all marketing and lease up of the North Square apartments in strict compliance with all Federal Fair Housing, State and local laws. Local Preference will be given to Amherst residents to the extent requested by the town, permissible by DHCD, and consistent with federal and state law. Beacon will submit the final Affordable Housing Marketing and Tenant Selection Plan ("Tenant Selection Plan") to the Town that has been approved by DHCD and the project lender/investor prior to beginning construction.

Market-rate apartments: The Residential Owner will advertise the market-rate apartments through traditional outreach methods that may include the Internet, newspapers and print media.

Affordable apartments: The Residential Owner will undertake extensive outreach to ensure that a wide range of households have an opportunity to apply for the 26 affordable apartments. Outreach will occur through local non-profit organizations, housing authorities, libraries, Town Hall, local newspapers, Internet, etc. Applications will be widely distributed and application "information sessions" will be offered. Applications are screened in strict accordance with the approved Tenant Selection Plan. Local Preference will be offered to applicants to the extent approved by DHCD as part of the Tenant Selection Plan. The Residential Owner will work with the Town and DHCD on the allowable percentage.

Initial Lease Up of Affordable Apartments and Housing Lottery: In the event that there are more applicants than apartments, The Residential Owner will work with a local non-profit agency (anticipated to be HAP Housing or Valley CDC) to oversee a housing lottery. Management will follow DHCD's lottery guidelines. Eligible applications will be sorted into their appropriate categories (for example, what size apartment they are eligible for, if they qualify for local preference, etc.) and a lottery will be conducted. The lottery will be conducted publicly at a time and location that to be announced. The lottery ranking will determine the order in which applicants will be screened during the lease up.

COMMERCIAL SPACE MARKETING AND LEASING

The Commercial Owner will be responsible for marketing and leasing up the commercial space. The Commercial Owner will be responsible for ensuring that the commercial spaces are operated in accordance with all federal, state and local laws and regulations including the Comprehensive Permit, this Management Plan, and the individual Use-Specific Management Plans.

TRASH AND RECYCLING AND ODOR MITIGATION MEASURES

Under no circumstances will the residential or commercial trash or recycling be permitted to be a

resident parking (the designated parking spaces will have signs indicating the parking restrictions during certain hours). Visitors to the Management and Leasing office will be able to park in two (2) designated parking spaces in front of that office, "Future Resident Parking", Monday through Friday between 9 AM and 5 PM. Residents living on the property are responsible for their visitor's behaviors and actions.

All residential resident vehicles on the property must have a current registration, display legal license plates, and have a valid inspection sticker. No vehicle storage is permitted on the property. Any vehicle parked in front of a dumpster, on the sidewalk, on the lawn areas, in front of fire hydrants, in Fire Lanes, or any other designated "No Parking Zone" will be towed off the property at the car owner's expense. Any vehicle parked in "Handicapped Parking Spots" that is not displaying a "Handicapped Placard" in plain view, as well as unauthorized vehicles found parked in a "Reserved Parking Spot", will be towed off the property at the car owner's expense. Signage will identify resident parking spaces and vehicles parked in those spaces without a valid Resident Parking sticker will be towed off the property at the car owner's expense. The Residential Owner reserves the right to request the Commercial Owner, residents, commercial space tenants and/or visitors temporarily move vehicles to other areas of the property in the event of inclement weather, repair work, or construction that may pose a hazard and/or damage to said vehicles.

Parking at the property in resident designated spaces is limited to vehicles that are in possession of a valid Resident Parking Sticker. Resident Parking Stickers will be issued to all residents with a valid driver's license, and the vehicle must have a valid inspection sticker. Each one-bedroom household will be entitled to at least 1 Resident Parking Sticker as part of their lease, and each two and three-bedroom household will be entitled to up to 2 Resident Parking Stickers. The 18 shared commercial spaces will be available from 5 p.m. – 8 a.m. for resident parking and will be assigned, if needed, on a first come first serve basis for residents.

ALTERNATIVES TO DRIVING – BIKES AND PVTA

The Residential Owner will provide indoor bike storage for its residents as well as outdoor bike racks for visitors. Use of the PVTA bus system will be encouraged by the Residential and Commercial Owners for their residential and commercial tenants, and information will be provided to all residents and commercial occupants about this alternative mass transit. The Town of Amherst is also working with a bike share provider that will install bikes adjacent to the PVTA bus stop.

LIGHTING

Snow and/or ice will be removed to the snow storage areas within 24 hours of the end of the precipitation which caused the accumulation; when impracticable, the sidewalks will be treated with sand. In the event that accumulated snowfall is so great that it cannot be handled on site, the Residential Owner will hire a subcontractor to truck snow to an appropriate off-site location. To maintain clear and safe access to sidewalks and parking areas coinciding with times of business operations, paved areas and sidewalks in the commercial areas will be salted and/or cleared as soon as the snow or ice begins to accumulate; plowing would not begin until there is sufficient accumulation to pick up with a snowplow (generally two inches). The trash areas will remain clear of ice and snow during hours of operation and during the allowed schedule for use.

The Residential Owner reserves the right to request the Commercial Owner, residents, commercial space tenants and/or visitors temporarily move vehicles to other areas of the property in the event of inclement weather, repair work, or construction that may pose a hazard and/or damage to said vehicles.

STORM WATER MANAGEMENT –

The Residential Owner will be responsible for clearing storm water drains and catch basin and maintaining the storm water management system in accordance with DEP standard.

PREVENTATIVE MAINTENANCE AND CAPITAL NEEDS

The Residential Owner will undertake regular preventive maintenance of the buildings, systems and site. In addition, the Residential Owner will prepare and finance capital needs plans to address future building and site capital improvements. The Commercial Owner is responsible for the commercial condominium and all associated systems.

SECURITY

The Residential Owner will have security cameras in selective locations throughout the buildings and site. All main entries and common area doors to the residential areas will be key-card or FOB controlled to ensure that the Residential Owner knows who and when people are accessing common areas. In addition, manned security will be hired by the Residential Owner or Commercial Owner, if needed, for select community events to facilitate appropriate behavior at North Square.

OFF-STREET LOADING/UNLOADING AND RESIDENT MOVE INS

The Residential and Commercial Owner will require delivery trucks to access North Square via Sunderland Road to Cows Road. Delivery trucks will enter the main roadway/entrance and park parallel to the commercial business entrances, or, for the commercial uses, as required in

Sustainable / Healthy Operations: North Square is to be operated and managed with a commitment to fostering a sustainable and healthy community. The Residential and Commercial Owners will encourage:

- Trash and recycling receptacles and education for residents, tenants visitors, commercial space occupants;
- Alternative transit including use of the use of the PVTa and bicycles;
- Walkability between uses in *The Mill District* and surrounding recreation and open space areas;
- Indoor air quality through the use of healthy cleaning products and non-smoking property; and
- Integrated pest management

Emergency Contact: The Residential and Commercial Owners will provide the Town with 24-hour emergency contact information.

COMMERCIAL USES (additional details)

The Commercial Owner will be responsible for leasing and managing the commercial spaces, including tenant improvements. The Commercial Owner is seeking to lease the spaces to small restaurant and café owners, local retailers, fitness group, etc. The Commercial Owner shall operate and cause the commercial occupants to operate the spaces in accordance with the Comprehensive Permit, this Management Plan and Use-Specific Management Plans as approved by the Town. The Commercial Owner and their future commercial occupants are required to receive approval from the Zoning Board of Appeals in accordance the Comprehensive Permit relative to: (i) appearance of exterior façade of commercial space; (ii) individual signage for proposed commercial uses (and not monument sign which is being permitted as part of the Comprehensive Permit); and (iii) management plan (which will include the information required by the Town of Amherst management plan revised as of February 1, 2014). As part of the Comprehensive Permit, please note that no waivers were requested for any uses that require a Special Permit.

RESTAURANTS AND/OR CAFÉ

Two areas have been designed for the possibility of a future restaurant and/or café use - the northeastern end of Building A at the corner of Cows Road and the entrance to North Square and the western corner of Building B as set forth on the plans. These areas provide exterior access to the trash facilities, proximity to interior infrastructure to facilitate installation of

Public Comment

Toponce, Brandon

From: Brestrup, Christine
Sent: Wednesday, January 25, 2017 6:33 PM
To: Toponce, Brandon
Cc: Malloy, Nathaniel
Subject: FW: Atkins letter of support for Beacon project for ZBA meeting 1/24/17

Brandon,

Please post this email with other public comment on the Beacon project.

I gave a copy of this email to Mark at the beginning of the meeting last night.

Chris

-----Original Message-----

From: John Thibbitts [mailto:jnthibbitts@yahoo.com]
Sent: Tuesday, January 24, 2017 4:34 PM
To: Brestrup, Christine <brestrupc@amherstma.gov>
Cc: John Thibbitts <jnthibbitts@yahoo.com>
Subject: Atkins letter of support for Beacon project for ZBA meeting 1/24/17

Hi Christine -

Just in case I am unable to attend tonight's ZBA meeting, I wanted to send another quick letter of support, on behalf of Atkins Farms (North and South) and its owners.

We feel that the Beacon project in the Mill District is tremendous on many levels, including much needed housing (affordable too), opportunity for retail growth, added tax revenue for the Town, and lastly something that we are especially excited about -- vibrancy and excitement in a vastly underused and underserved area of North Amherst.

The Beacon project has our full support.
Thank you.

John Thibbitts
Project Manager
Atkins Farms
413-253-9528 work
413-210-8980 cell

Toponce, Brandon

From: Pete Gray <graymullen@gmail.com>
Sent: Wednesday, January 25, 2017 9:20 PM
To: Toponce, Brandon; Select Board
Subject: ZBA FY2017-00007 comment on North Square a tht Mill District

I ask that the ZBA and Select Board approve the application and related waivers immediately. This project will invigorate the North Amherst community, providing a badly needed mixed-use development. This is an attractive, modern replacement of an old lumber mill. As a North Amherst resident, I am thrilled that a more welcoming, non-commercial/industrial use will be built in that area. The affordable housing component only adds to this positive project. The North Square development is compatible with the Master Plan, has minimal impacts on traffic, adds housing to our market, improves the neighborhood and generates tax revenues.

Thank you.

Peter Gray-Mullen
37 Farview Way

January 5, 2017

Town of Amherst
Zoning Board of Appeals
Town Hall, 4 Boltwood Ave.
Amherst, MA 01002

Dear Members of the Town of Amherst Zoning Board of Appeals,

We are abutters to the property at 134 Cows Road in North Amherst, and are writing regarding the North Square permit application and related zoning matters. We listed below relevant zoning bylaw provisions and conditions that we feel would help address our concerns as abutters, which were outlined in our more general letter of 1/2/17.

10.382 The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features.

Given likely high student occupancy, noise will be a nuisance to neighbors, based on noise complaints from similar developments as show in the map in figure 1 below.

10.383 The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.

See our comments about 10.387 below.

10.385 The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features.

There do not seem to be any attempts at screening the development on the north eastern side or mitigating noise. See the note on 10.392 below for more on this.

10.387 The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.

The peer reviewer of the traffic report said that there were likely problems with visibility under increased traffic with the intersection of Cows and Montague Roads, and it is already impassible by busses turning westward when there is eastbound traffic. Beacon did not address this in their plan. Either making that small section of Cows Rd. one-way west, or closing it off entirely, would address the problem, but would require modifications to their plan to accommodate turning traffic, as shown in figure 3 below.

10.392 ...When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries...

The proposed development, and current usage, establish an unbroken commercial zone from Montague Road all the way west to Sunderland Road along the south side of Cows Rd. This substantially undermines the residential character of the residentially zoned portion of Montague Rd north of the Mill River.

10.393 ...All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.

We believe the current Akins lighting is on all night, and is a nuisance. Since this is mixed use and the new lights are much taller, it implies that the light pollution will be increased by the development.

10.395 The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto

The scale of the taller buildings is not in keeping with existing architecture and use.

Conditions

10.401 Screening of parking areas or other parts of the premises from adjoining premises or from the streets by specified walls, fences plantings, or other such devices;

Requiring screening tree plantings between Atkins and the residential portion of 134 Montague as shown in Figure 2 would help address the issues related to 10.392 above. It would also help mitigate noise and lighting related to 10.393 and 10.385. Tall, dense trees along this strip would dramatically reduce the effects of noise, light pollution, and general residential versus commercial landscape characteristics.

10.402 Limitation of size, number of occupants, method or time of operation or extent of facilities;

Noise pollution could be reduced by limiting the number of units and reducing or placing hour restrictions on lighting.

10.403 Modification of the exterior design or appearance of buildings, structures, signs, or landscape materials. If said notification requirements have been met to the satisfaction of the Permit Granting Authority, a circumstance where individual tenants or lessees fail to receive notification shall not serve to invalidate the public hearing.

The current buildings are too tall, and too close to roads and other boundaries to preserve the overall character of the area, and should be required to be smaller, and within normal setbacks.

Figures

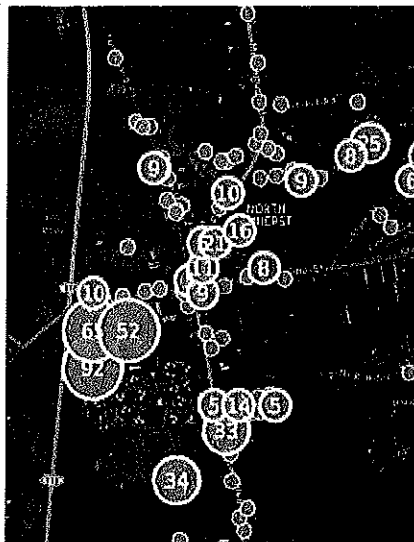


Figure 1 – noise complaints, downloaded from http://maps.amherstma.opendata.arcgis.com/datasets/87ea9519a8ba43518855b860a495613f_0.geojson. The numbers indicate the number of noise complaints at the given location, with dates from 2014 through 2016. No number indicates a single complaint.

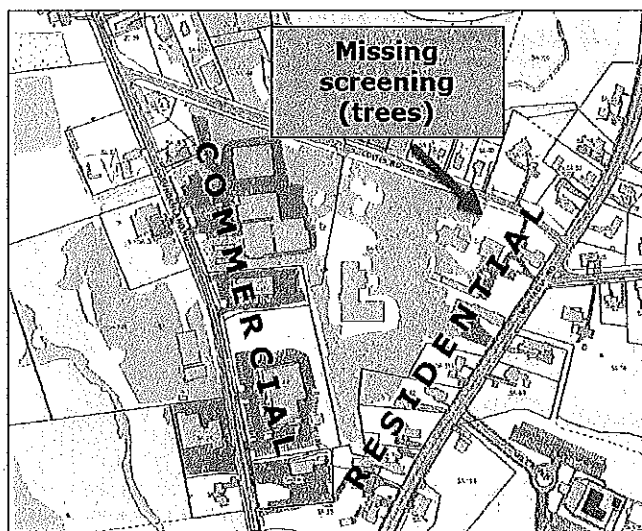


Figure2 – Commercial / residential boundary missing screening as required by 10.392.

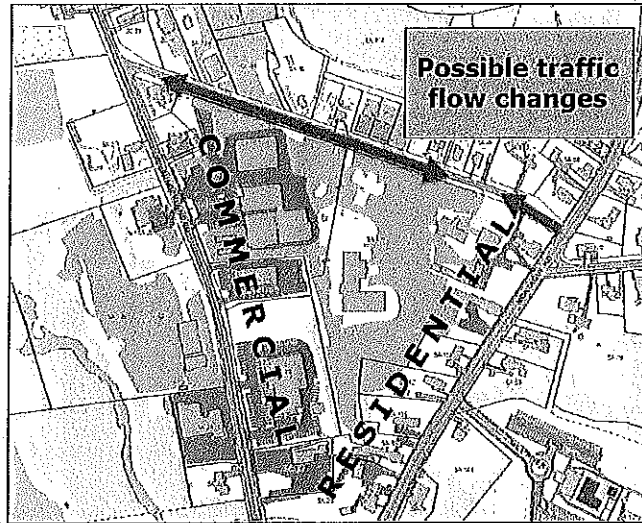


Figure 3 – traffic problems at intersection of Cowls and Montague Rd., already impassable by two-way bus and car traffic, may need to be adjusted depending on the outcome of state review. Closing or making the strip one-way west would address the problem, but may require plan adjustments.

Thank you very much for your work on this project and your attention to these considerations.

Sincerely,

Gordon M. Green and Astrid Schween
150 Montague Rd.
Amherst, MA 01002
413-549-0729

Toponce, Brandon

From: Brestrup, Christine
Sent: Thursday, January 26, 2017 2:53 PM
To: Toponce, Brandon
Subject: FW: North Square Comments and Conditions

Brandon,

Please copy for ZBA for tonight's meeting.

Thanks,

CB

From: Janet Keller [mailto:janetkeller5@gmail.com]
Sent: Thursday, January 26, 2017 2:45 PM
To: Brestrup, Christine <brestrupc@amherstma.gov>; Toponce, Brandon <toponceb@amherstma.gov>; Malloy, Nathaniel <malloyn@amherstma.gov>
Cc: Daniel Hill <dhill@danhilllaw.com>; Dennis Murphy <dgusmurphy@gmail.com>
Subject: North Square Comments and Conditions

Hello Chris,

Please send my comments below to the ZBA for the North Square hearing.

Thank you, Janet Keller

January 26, 2017

*To: the Zoning Board of Review
From: Janet Keller, 120 Pulpit Hill Road, Amherst, Precinct 1
Re: North Square*

Thank you for the opportunity to comment on impacts and conditions of the project. My comments are interspersed in italics below.

SECTION 10.3

10.30

SPECIAL PERMITS

Purpose

Special Permits are intended to provide detailed review of certain Uses and Structures which may have substantial impact upon traffic, utility systems, and the character of the Town, among other things. The Special Permit review process is intended to insure a harmonious relationship between proposed development and its surroundings, and insure that proposals are consistent with the purpose and intent of this Bylaw.

The massing, scale, height and lot coverage are substantially oversized for the surrounding area of one family houses and local businesses and, if not reduced, will not only change the character of this

rural residential area in the short term, but induce further urban scale development in the sensitive habitat and farming lands to the north, east and west. The traffic impact of over 2000 average additional daily trips and the impact of 282 added parking space triggered the need for Beacon to submit an Environmental Notification Form to the Massachusetts Environmental Protection Agency.

10.38 Specific Findings Required

The Special Permit Granting Authority may grant a Special Permit authorized by this Bylaw if said Authority finds, when applicable, that:

10.380 The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority.

The large scale urban proposal is unsuitable for the rural residential neighborhood where it will be located.

10.381 The proposal is compatible with existing Uses and other Uses permitted by right in the same District.

The scale of the project and it's urban nature is not compatible with existing Uses.

10.382 The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features.

The proposal will have many new lights on late into the evening and will have at least one restaurant open late into the evening. Other nearby developments have generated nuisances due to lighting, and noise from partying tenants and visitors. The applicant has proposed some preventative measures, but acknowledged that enforcement may be necessary. The size of the proposal will increase the likelihood and frequency of such occurrences.

10.383 The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.

Vanesse Hangen projected more than 2000 additional average daily trips per day will be generated on what is still a quiet country road. The additional trips will add substantial inconvenience and possible hazards to abutters, vehicles or pedestrians. Downsizing the project would reduce the inconvenience and hazards.

10.384 Adequate and appropriate facilities would be provided for the proper operation of the proposed use.

To my knowledge the lack of appropriate loading areas has not been addressed yet.

The small amount of green space and the location of play areas are not adequate or safe for the 30 or more young children who are projected to live at North Square. The amount of green space needs to be increased and play areas need to be provided in locations that are near the residential units and away from traffic and parking areas to provide greater convenience and safety for resident children.

10.385 The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features.

The proposal will have many new lights on late into the evening and will have at least one restaurant open late into the evening. Other nearby developments have generated nuisances due to lighting, and noise from partying tenants and visitors. The applicant has proposed some preventative measures, but acknowledged that enforcement may be necessary. The size of the proposal will increase the likelihood and frequency of such occurrences. A smaller project would be less disruptive.

10.386 The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.

10.387 The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.

All concerns raised by CDM Smith and others about traffic impacts need to be addressed particularly the 183% increase in traffic; and the inadequate site lines caused by the large curve at the eastern end of Cows Road. Downsizing would mitigate the traffic increase ;and changes to the Cows road alignment are needed as well.

10.388 The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.

To my knowledge, the lack of adequate and clearly delineated space for loading and offloading still needs to be addressed.

10.389 The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.

To my knowledge, stormwater management plans are still incomplete. The ZBA should require full plans and require the proponent to return to the Board during and at the conclusion of the project to insure adequate stormwater management structures as well as detailed management plans and periodic inspections.

10.390 The proposal ensures protection from flood hazards as stated in Section 3.228, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow; storage of chemicals and other hazardous substances.

10.391 The proposal protects, to the extent feasible, unique or important natural, historic or scenic features.

While there are no remaining natural resources or scenic features onsite and the historic features in the residential zone are not part of a national historic district, there are significant natural, historic and scenic features surrounding the site, that will be endangered by new development induced by this project. Downsizing the project would reduce the harm to these features.

10.392 The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries.

The ZBA should require additional screening of adjacent residential uses.

Where natural, undisturbed vegetation already exists on-site prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.

10.393 The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions. Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.

The Board should require downcast lighting and lighting that is not necessary for safety to be extinguished after business hours.

10.394 The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands.

10.395 The proposal does not create disharmony with respect to the terrain and to the use, scale and

The uses of the commercial component of the project are unknown at this time. Therefore it is critical that the ZBA require the proponent to return when a new commercial tenant is under consideration to insure the tenant does not create disharmony with the other tenants of the project or the existing buildings in the vicinity.

As previously noted the massing and size of the proposed building are significantly out of scale with the surrounding buildings and the Board should consider reducing the size to fit in better with the surroundings.

architecture of existing buildings in the vicinity which have functional or visual relationship thereto. Within the B-L, B-VC, B-N, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Special Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.

10.396 The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.

10.397 The proposal provides adequate recreational facilities, open space and amenities for the proposed use.

As noted, there is not enough green space or play space for young children living at North Square and the space that is provided is not located in convenient and safe places for the 30 or more young children that will live there. The ZBA should set a condition for locating enough safe green space and place near the residential units and away from parking and traffic to serve the resident children.

10.398 The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.

For all the reasons cited above the proposal is not in harmony with the purpose and intent of the Bylaw "to promote the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst, encourage the most appropriate use of land throughout Amherst." Downsizing the project and increasing greenspace and play space would help the project better meet these purposes.

SECTION 10.4

10.40

CONDITIONS, SAFEGUARDS, AND LIMITATIONS

In granting a Variance, the Board of Appeals; or in granting a Special Permit, the Special Permit Granting Authority, in accordance with Sections 9 and 10 of Chapter 40A, may impose conditions, safeguards, and limitations which shall be in writing and shall be a part of any Variance or Special Permit granted. Such conditions, safeguards, and limitations may include, among other matters and subjects:

10.400 Setback, Side and Rear Yards greater than the minimum required by this Bylaw;

10.401 Screening of parking areas or other parts of the premises from adjoining premises or from the streets by specified walls, fences, plantings, or other such devices;

The Board should consider increasing screening between commercial and residential zones.

10.402 Limitation of size, number of occupants, method or time of operation or extent of facilities;

The board should reduce the number of occupants as well as carefully tailor the hours of operation to make the project fit in better with the surrounding area.

10.403 Modification of the exterior design or appearance of buildings, structures, signs, or landscape materials. If said notification requirements have been met to the satisfaction of the Permit Granting Authority, a circumstance where individual tenants or lessees fail to receive notification shall not serve to invalidate the public hearing.

--
Janet Keller
120 Pulpit Hill Road # 25
Amherst MA 01002

401-374-3229 cell
413-835-0011

Brestrup, Christine

From: Hilda & Louis Greenbaum <greenbau@history.umass.edu>
Sent: Thursday, January 26, 2017 3:37 PM
To: Brestrup, Christine
Subject: Findings: please forward to ZBA members

Dear Friends:

I would like to call your attention to a serious problem at the WD Cows strip mall in North Amherst which I fear is going to be repeated at North Square.

Daily, whenever I pick up mail and most often around lunch time, there are at least one and often two semi-trailers at Big Guys liquor store delivering beer etc. Yesterday there were two semis and a huge box truck. There are no other delivery options to the stores from the back of the strip mall. I am pleased that Ms Jones has such popular stores as Big Guys, Cumberland Farms and Amherst Pizza, but it makes for a very crowded parking lot and difficult egress onto Montague Road.

Note also that the southerly entrance is one-way but often abused by folks leaving the parking lot because semis are blocking the northern exit.

I call this to your attention because you must make findings under these two sections:

10.387 The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.

10.388 The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.

I find it difficult to believe that the narrow roadway, actually called a driveway, into the complex and the parking areas behind the commercial spaces can accommodate conditions that exist at the strip mall. Cows Road is a narrow country lane, built to accommodate trolley cars with difficult entrance and egress for two vehicles at the eastern end particularly.

I thank you for paying close attention to the matter of LOADING AND UNLOADING of commercial vehicles so that conflict with pedestrians and passenger cars is avoided.

Cordially,
Hilda B. Greenbaum